

06-22-01

A

## UTILITY CONTINUATION PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

06/20/01  
1046 U.S. PTO  
09/8862971046 U.S. PTO  
09/886297  
06/20/01

Attorney Docket No.: 3374-4-1-1

Inventors: Everett Lee Mitchell of 30821 Eldora Court, Evergreen, Colorado 80439

Express Mail Label No.: EL545148566US

Title: "METHOD AND APPARATUS FOR ERECTING WALL PANELS"

Group Art Unit:

Examiner:

## Assistant Commissioner for Patents

Box Patent Application

Washington, DC 20231

This is a Continuation application of pending prior application No. 09/334,124 filed June 15, 1999. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference.

Enclosed for filing with the above-identified utility patent application, please find the following:

1. ☒ Applicant claims small entity status. See 37 CFR 1.27.
2. ☒ Copy of Oath/Declaration from the above-referenced pending prior application (37 CFR 1.63(d))
3. ☒ Information Disclosure Statement (IDS/PTO-1449)
4. ☒ Preliminary Amendment
5. ☒ Petition Under 37 CFR § 1.48(b) to Correct Inventorship
6. ☒ Return Postcard (MPEP 503) (should be specifically itemized)
7. ☒ A check in the amount of \$633.00 is enclosed.

## FEE CALCULATION:

Cancel in this application original Claims 1 - 13 of the prior application before calculating the filing fee.

	(COL. 1) NO. FILED			(COL. 2*) NO. EXTRA	SMALL ENTITY			LARGE ENTITY	
					RATE	FEE		RATE	FEE
BASIC FEE:						\$355.00	OR		\$710.00
TOTAL CLAIMS:	42	-	20	22	X \$9 =	\$198.00	OR	X \$18 =	
INDEP. CLAIMS:	5	-	3	2	X \$40 =	\$80.00	OR	X \$80 =	
MULTIPLE DEPENDENT CLAIMS					+ \$135 =	\$0.00	OR	+\$270 =	
*IF THE DIFFERENCE IN COL. 2 IS LESS THAN ZERO, ENTER "O" IN COL. 2.					TOTAL:	\$633.00			

## OTHER INFORMATION:

1. ☒ The Commissioner is hereby authorized to debit any underpayments or credit any overpayment to Deposit Account No. 19-1970.
2. ☒ The Commissioner is hereby authorized to charge all required fees for extensions of time under §1.17 to Deposit Account No. 19-1970.
3. ☒ The Small Entity Statement was filed in the above-referenced prior application. Small Entity status is still proper and desired.

4. [X] The Power of Attorney appears in the original papers of the prior pending application.  
5. [X] The prior application is assigned to Elward Systems Corporation.  
6. [X] Please amend the specification by inserting the following after the title and before the Field of Invention:

-- CROSS REFERENCE TO RELATED APPLICATION

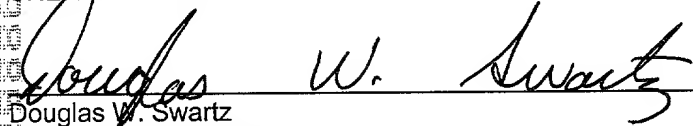
The present application is a continuation of U.S. Patent Application Serial No. 09/334,124, filed June 15, 1999, entitled "METHOD AND APPARATUS FOR ERECTING WALL PANELS" which is a continuation application of U.S. Patent Application Serial No. 08/989,748, filed December 12, 1997, now U.S. Patent 5,916,100, which are both incorporated herein by this reference. --

7. Correspondence Address:

Douglas W. Swartz  
SHERIDAN ROSS P.C.  
1560 Broadway, Suite 1200  
Denver, Colorado 80202-5141  
Telephone: (303) 863-9700  
Facsimile: (303) 863-0223

Respectfully Submitted,

SHERIDAN ROSS P.C.

  
Douglas W. Swartz

Registration No. 37,739

Date: June 20, 2001

"EXPRESS MAIL" MAILING LABEL NUMBER: EL545148566US  
DATE OF DEPOSIT: June 20, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

TYPED OR PRINTED NAME: Christine Jacquet

SIGNATURE: Christine Jacquet

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

MITCHELL

Serial No.: Not yet assigned

Filed: Herewith

Atty. File No.: 3374-4-1-1

For: "METHOD AND APPARATUS  
FOR ERECTING WALL PANELS"

Group Art Unit:

Examiner:

TERMINAL DISCLAIMER TO OBVIATE  
A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

"EXPRESS MAIL" MAILING LABEL NUMBER: EL545148566US  
DATE OF DEPOSIT: **June 20, 2001**

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER  
37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS  
ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS,  
WASHINGTON, D.C. 20231.

TYPED OR PRINTED NAME: Christine Jacquet

SIGNATURE:

*Christine Jacquet*

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The owner, Elward Systems Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer of prior Patent No. 5,809,729. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant applications and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

06/26/2001 HBIZUMES 00000026 09886297

02 FC:215

55.00 0P

06/27/2001 HBIZUMES 00000013 09886297

06/27/2001 HBIZUMES 00000013 09886297

01 FC:248 55.00 0P

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

June 20, 2001  
Date

Douglas W. Swartz  
Signature

Douglas W. Swartz  
Typed or printed name

☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

☒ PTO suggested wording for terminal disclaimer was

☒ unchanged. ☐ changed (if changed, an explanation should be supplied).

**\*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee.**

PATENT APPLICATIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

MITCHELL

Serial No.: Not yet assigned

Filed: Herewith

Atty. File No.: 3374-4-1-1

For: "METHOD AND APPARATUS  
FOR ERECTING WALL  
PANELS"

PETITION UNDER 37 CFR  
§ 1.48(b) TO CORRECT  
INVENTORSHIP

EXPRESS MAIL" MAILING LABEL NUMBER: EL545148566US  
DATE OF DEPOSIT: June 20, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER  
37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS  
ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS,  
WASHINGTON, D.C. 20231.

TYPED OR PRINTED NAME: Christine Jacquet

SIGNATURE: Christine Jacquet

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

It is respectfully petitioned that Jed D. Mitchell be deleted from the subject application. The cancellation of claims 1-13 has caused the invention of Jed D. Mitchell to no longer be claimed in the application. A check in the amount of \$130.00, as required by 37 CFR § 1.17(i), is enclosed herewith. Please charge any deficiency to Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS, P.C.

By: Douglas W. Swartz

Douglas W. Swartz  
Registration No. 37,739  
1560 Broadway, Suite 1200  
Denver, CO 80202  
(303) 863-9700

Date: June 20, 2001

06/26/2001 MBIZUNES 00000026 09886297

01 FC:105 130.00 DP

Adjustment date: 06/27/2001 MBIZUNES

06/26/2001 MBIZUNES 00000026 09886297

01 FC:105 -130.00 DP

06/27/2001 MBIZUNES 00000012 09886297

01 FC:122 130.00 DP